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February 10, 2006

**VIA FACSIMILE**

Jeff S. Jordan  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 5698  
Dear Mr. Jordan:

The undersigned represents ActBlue, and Matthew DeBergalis, as Treasurer. I am writing to respond to allegations set forth in a complaint filed with your office by the Illinois Republican Party ("IRP"). ActBlue (FEC ID# C00401224) is a federally registered political committee that raises funds, primarily through the Internet, for state and federal candidates and political committees. ActBlue's website can be viewed at [www.actblue.com](http://www.actblue.com). The ActBlue website provides all notices required by federal law, screens contributions for legality as required by FEC regulations and FEC Advisory Opinion 1995-9 and forwards all earmarked contributions within 10 days as required by 11 C.F.R. § 102.8.

Specifically, the IRP alleges that a blog called the 10<sup>th</sup> District Blog is soliciting funds for the federal campaign of Zane Smith and the IL-10 General Election Fund, and therefore, it must be registered with the Federal Election Commission. In both instances, the link brings the user to ActBlue's donation pages on the website of its federal political committee. Although ActBlue was not familiar with this blog until the filing of the complaint, it appears to be a blog created through blogspot.com, which permits individuals to create a homemade website at no cost. Presumably this site was created by an individual who is interested in activities in the 10<sup>th</sup> Congressional District in Illinois. The link to ActBlue's website on the blog was created through technology made available to any interested individual by ActBlue and is accessible on ActBlue's web

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page. To be sure, ActBlue encourages bloggers and other interested individuals to link to the ActBlue website through the use of its link technology. In each instance, the links send a prospective donor to the applicable contribution page of ActBlue's website and contributions are processed, disclosed, and forwarded if applicable, in accordance with FEC laws and regulations. Of course, ActBlue generally has no control or formal relationship with individuals who create such websites other than to encourage a hyperlink to the ActBlue website.

The IL-10 General Election Fund is a fundraising project of ActBlue. This fund was created by ActBlue in accordance with FEC Advisory Opinion 1982-23 in order to receive and hold funds for the eventual primary nominee of the Democrat party in the 10<sup>th</sup> District in Illinois. As of this date, no contributions have been received by the fund.

Although ActBlue is unaware of the person or persons responsible for the 10<sup>th</sup> District blog, we assume that this blog was created at no actual cost to its creator since it is our understanding that blogspot.com does not charge an access fee to create a blog. Thus, it is highly unlikely that this blog would otherwise qualify as a federal political committee since it is doubtful that the person(s) responsible for the blog have spent \$1,000 or more on the blog. Of course, the complaint fails to specifically allege that the person(s) responsible for the creation of the blog have, in fact, spent in excess of \$1,000. Further, it is our understanding that it is highly unlikely that the inclusion of the link would require the disclosure of an in-kind contribution from the blog to ActBlue, since it is highly unlikely that this blog has charged a fee for the inclusion of any link on the blog. FEC Advisory Opinion 1999-17.

Thus, any funds raised in connection with the IL-10 General Election Fund will be raised through ActBlue, a federally registered political committee, in full accordance with federal laws and regulations. Therefore, this complaint should be dismissed and the file should be closed in this matter. If you have any questions regarding this matter, please contact me at the address above or at (202) 479-1111.

Respectfully submitted,

Neil P. Reiff

Attorney for Respondents IL-10 General Election  
Fund, ActBlue and Matt DeBergalis, as Treasurer

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